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NJ S2358 Permits government records custodians to redact certain personal infor...
CT HB05203 An Act Concerning Utility Company Cost-sharing Mechanisms.

Bill Text: CA SB1100 | 2021-2022 | Regular Session | Amended

California Senate Bill 1100

CA State Legislature page for SB1100

Bill Title: Open meetings: orderly conduct.

Spectrum: Partisan Bill (Democrat 2-0)

Status: *(Introduced)* 2022-03-22 - Set for hearing April 5. [SB1100 Detail]

Download: California-2021-SB1100-Amended.html

AMENDED IN SENATE MARCH 21, 2022
AMENDED IN SENATE MARCH 09, 2022

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL **NO. 1100**

Introduced by Senator Cortese
(Principal coauthor: Assembly Member Low)

February 16, 2022

An act to amend Section 54957.9 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1100, as amended, Cortese. Open meetings: orderly conduct.

(1) Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Existing law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Existing law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Existing law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.

This bill would authorize the ~~members~~ *presiding member* of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning by the presiding member of the legislative body that the individual is disrupting the proceedings, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to ~~respond to the warning.~~ *cease the disruptive behavior.* The bill would similarly require a warning, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to ~~respond to the warning~~ *cease the disruptive behavior* before clearing a meeting room for willful interruptions by a group or groups. The bill would define "willfully interrupting" to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law and applicable rules, as specified. By establishing new requirements for local legislative bodies, this bill would impose a state-mandated program.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(3) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares as follows:

(a) It is the intent of the Legislature to prescribe requirements for governing public meetings that are consistent with subdivision (c) of Section 54954.3 of the Government Code, which provides that a legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.

(b) It is further the intent of the Legislature to prescribe requirements for governing public meetings to protect civil liberties in accordance with the United States Constitution, the California Constitution, and relevant law.

(c) It is further the intent of the Legislature to prescribe requirements for governing public meetings consistent with Acosta v. City of Costa Mesa, 718 F.3d 800, 811(9th Cir. 2013), in which the court explained that an ordinance governing the decorum of a city council meeting is not facially overbroad if it only permits a presiding officer to eject an attendee for actually disturbing or impeding a meeting.

SEC. 2. Section 54957.9 of the Government Code is amended to read:

54957.9. (a) The ~~members~~ *presiding member* of the legislative body conducting a meeting may remove an individual for willfully interrupting the meeting. Except as provided in subdivision (c), removal pursuant to this subdivision shall be preceded by a warning by the presiding member of the legislative body that the individual is disrupting the proceedings, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to ~~respond to the warning.~~ *cease the disruptive behavior.*

(b) If ~~any~~ *a* meeting is willfully interrupted by a group or groups of individuals and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the ~~members~~ *presiding member* of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Except as provided in subdivision (c), a clearing of a meeting room pursuant to this section shall be preceded by a warning by the presiding member of the legislative body that the group or groups are disrupting the proceedings, a request that the subject group or groups curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to ~~respond to the warning.~~ *cease the disruptive behavior.*

(c) The warning and request provisions of subdivisions (a) and (b) do not apply to individuals or groups willfully interrupting a meeting with behavior as described in Section 415 of the Penal Code.

(d) Only matters appearing on the agenda may be considered in a session continued after clearing the meeting room pursuant to subdivision (b). Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

(e) This section does not prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(f) As used in this section, "willfully interrupting" means intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law and applicable rules, and includes, but is not limited to, both of the following:

(1) A failure to comply with reasonable regulations prohibiting force, threats of force, or intimidation.

(2) A threat against another person's free exercise or enjoyment of any right or privilege secured to them by the California Constitution, the laws of this state, the United States Constitution, or the laws of the United States, in whole or in part.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which amends Section 54957.9 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

This act is necessary to give legislative bodies clear authorization to restore order to meetings in the event of willful interruptions that are substantially impairing or rendering infeasible the orderly conduct of the meeting and, thereby, preserve the rights of other members of the public at the meeting and allow the legislative body to continue its work on behalf of the public.

SEC. 4. The Legislature finds and declares that Section 2 of this act, which amends Section 54957.9 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to give legislative bodies clear authorization to restore order to meetings in the event of willful interruptions that are substantially impairing or rendering infeasible the orderly conduct of the meeting and, thereby, preserve the rights of other members of the public at the meeting and allow the legislative body to continue its work on behalf of the public.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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